

REMARKS

These amendment and remarks are filed in response to the Office Action mailed July 24, 2008. For the following reasons, this application should be allowed and the case passed to issue.

Claims 13 and 14 are pending in this application. Claims 13, 14, and 22 were rejected. Claim 22 has been canceled in this response. Claims 1-12 and 15-21 were previously canceled.

Claim Rejections Under 35 U.S.C. § 112

Claim 22 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

This rejection is moot, as claim 22 has been canceled.

Claim Rejection Under 35 U.S.C. § 103

Claims 13, 14, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 64-027194 in view of Okajima et al. (US 5, 700,591) and Mikami et al. (*Red Electroluminescence from MgS:Eu and Mg_{1-x}Ca_xS:Eu Thin-Film Phosphors Prepared by RF-Sputtering Technique*). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

This rejection should be withdrawn because Mikami et al., *Red Electroluminescence from MgS:Eu and Mg_{1-x}Ca_xS:Eu Thin-Film Phosphors Prepared by RF-Sputtering Technique*, is not available as prior art. A Declaration Under 37 C.F.R. § 1.132 by the inventor of the present application, Akiyoshi Mikami, is filed concurrently with this response. In the Declaration, Mr. Mikami establishes that the first publication of *Red Electroluminescence from MgS:Eu and Mg_{1-x}Ca_xS:Eu Thin-Film Phosphors Prepared by RF-Sputtering Technique* was September 23, 2002. A certified English translation of JP 2002-230311, upon which the present invention claims priority, is filed concurrently with this response. The filing date of JP 2002-230311 was August 7, 2002, which precedes the September 23, 2002 publication date of Mikami et al., *Red*

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Electroluminescence from MgS:Eu and Mg_{1-x}Ca_xS:Eu Thin-Film Phosphors Prepared by RF-Sputtering Technique. Thus, Mikami et al., *Red Electroluminescence from MgS:Eu and Mg_{1-x}Ca_xS:Eu Thin-Film Phosphors Prepared by RF-Sputtering Technique* is not prior art to the present application.

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Bernard P. Codd

Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BPC:MWE
Facsimile: 202.756.8087
Date: November 24, 2008

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